

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MICHAEL J. FRENCH,)
)
Plaintiff,)
)
v.)
)
AMERICAN AIRLINES, INC. AND)
TRANSPORT WORKERS UNION,)
)
Defendants.) Civil Action No. 3:21-CV-0445-C-BK

ORDER

Before the Court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge therein advising the Court that Defendant Transport Workers Union's Motion to Dismiss should be granted.¹

The Court conducts a *de novo* review of those portions of the Magistrate Judge's report or specified proposed findings or recommendations to which a timely objection is made. 28 U.S.C. § 636(b)(1)(C). Portions of the report or proposed findings or recommendations that are not the subject of a timely objection will be accepted by the Court unless they are clearly erroneous or contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

After due consideration and having conducted a *de novo* review, the Court finds that Plaintiff's objections should be **OVERRULED**. The Court has further conducted an independent review of the Magistrate Judge's findings and conclusions and finds no error. It is therefore **ORDERED** that the Findings, Conclusions, and Recommendation are hereby

¹ Plaintiff has filed timely objections to the Magistrate Judge's Findings, Conclusions, and Recommendation.

ADOPTED as the findings and conclusions of the Court. For the reasons stated therein, the Court **ORDERS** that Defendant Transport Workers Union's Motion to Dismiss be **GRANTED** and Plaintiff's claims be **DISMISSED** without prejudice for lack of subject matter jurisdiction.² Any and all remaining pending Motions are **DENIED** as moot.

Given the frivolous nature of the claims Plaintiff has asserted in this case, his filing of prior similar actions across multiple forums, and this Court's prior warning, the Court now imposes sanctions against Plaintiff in the form of a pre-filing injunction as follows:

The Court **ORDERS** that Michael J. French is enjoined from filing any action in this Court that directly or indirectly relates to his December 20, 2004 workplace injury without the representation of a licensed attorney admitted to practice in this court, unless he first obtains permission to proceed *pro se*. To do so, he must present the following documents:

1. A "Petition Pursuant to Court Order Seeking Leave to File a *Pro Se* Action." Mr. French shall attach a copy of this Order to the Petition. The Petition shall include a list of all lawsuits and appeals in federal court and state court in which Mr. French is or was a party; the name and citation of each case; and the status or disposition of each case. The Petition shall also contain Mr. French's current mailing address; and
2. A copy of the complaint or claims sought to be filed with the court and the applicable filing fee. The complaint must comply with the Federal Rules of Civil Procedure and all applicable local court rules.

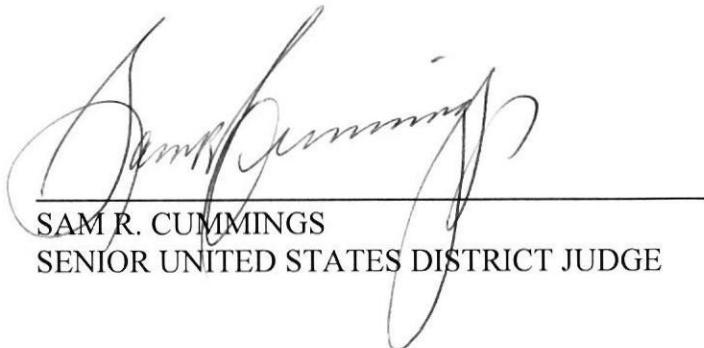
Mr. French shall present these documents to the Clerk of the Court who shall forward them to the Court for review. In determining whether to allow Mr. French to proceed *pro se*, the Court shall consider whether Mr. French has fully complied with this Order; whether the complaint complies with the Federal Rules of Civil Procedure and all applicable local court rules; whether the complaint is frivolous, abusive, harassing, or malicious; and whether the claims have been previously raised and disposed of by any federal or state court. If the Court enters an order granting the Petition, the Clerk shall file the complaint as of the date of the order. If the court does not approve the Petition,

² Plaintiff did not serve Defendant American Airlines, Inc. ("American") with his complaint. Nevertheless, the allegations against both Defendants are subject to the same analysis, and the dismissal of this civil action includes the claims asserted against American.

the Clerk will return the complaint, associated material, and filing fee to Mr. French via U.S. Mail to the address he provides.

SO ORDERED.

Dated February 15, 2022.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE